

ORDINANCE NO. 2002 - 078

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO MODIFY THE PGA BOULEVARD CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) BY REQUIRING DEVELOPMENTS TO APPROPRIATELY PHASE TO THE IMPLEMENTATION OF KYOTO GARDENS DRIVE EXTENSION BETWEEN MILITARY TRAIL AND ALTERNATE A1A AND TO CLARIFY REQUIREMENTS REGARDING CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) DESIGNATION REQUESTS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's

47 written review of the proposed Comprehensive Plan amendments; and

48 **WHEREAS**, the written comments submitted by the Department of
49 Community Affairs contained no objections to the amendments contained
50 in this ordinance;

51 **WHEREAS**, on December 18, 2002 the Palm Beach County Board of
52 County Commissioners held a public hearing to review the written
53 comments submitted by the Department of Community Affairs and to
54 consider adoption of the amendments; and

55 **WHEREAS**, the Palm Beach County Board of County Commissioners has
56 determined that the amendments comply with all requirements of the
57 Local Government Comprehensive Planning and Land Development
58 Regulations Act.

59 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
60 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

61 **Part I. Amendments to the 1989 Comprehensive Plan**

62 Amendments to the text of the following Element of the 1989
63 Comprehensive Plan are hereby adopted and attached to this Ordinance
64 in Exhibit 1:

65 **A. Transportation Element**, to modify the PGA Boulevard
66
67 Constrained Roadway at a Lower Level of Service (CRALLS) by
68 requiring developments to appropriately phase to the
69 implementation of Kyoto Gardens Drive extension between
70 Military Trail and Alternate A1A and to clarify
71 requirements regarding (CRALLS) designation requests;

72 **B. Amending all elements as necessary for internal**
73 consistency.

74 **Part II. Repeal of Laws in Conflict**

75 All local laws and ordinances applying to the unincorporated area
76 of Palm Beach County in conflict with any provision of this ordinance
77 are hereby repealed to the extent of such conflict.

78 **Part III. Severability**

79 If any section, paragraph, sentence, clause, phrase, or word of
80 this Ordinance is for any reason held by the Court to be
81 unconstitutional, inoperative or void, such holding shall not affect
82 the remainder of this Ordinance.

84 Part IV. Inclusion in the 1989 Comprehensive Plan

85 The provision of this Ordinance shall become and be made a part
86 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
87 Ordinance may be renumbered or relettered to accomplish such, and the
88 word "ordinance" may be changed to "section," "article," or any other
89 appropriate word.

90 Part V. Effective Date

91 The effective date of this plan amendment shall be the date a
92 final order is issued by the Department of Community Affairs or
93 Administration Commission finding the amendment in compliance in
94 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
95 applicable. No development orders, development permits, or land uses
96 dependent on this amendment may be issued or commence before it has
97 become effective. If a final order of noncompliance is issued by the
98 Administration Commission, this amendment may nevertheless be made
99 effective by adoption of a resolution affirming its effective status,
100 a copy of which resolution shall be sent to the Florida Department of
101 Community Affairs, Division of Community Planning, Plan Processing
102 Team. An adopted amendment whose effective date is delayed by law
103 shall be considered part of the adopted plan until determined to be
104 not in compliance by final order of the Administration Commission.
105 Then, it shall no longer be part of the adopted plan unless the local
106 government adopts a resolution affirming its effectiveness in the
107 manner provided by law.

108 **APPROVED AND ADOPTED** by the Board of County Commissioners of
109 Palm Beach County, on the 18 day of December, 2002.

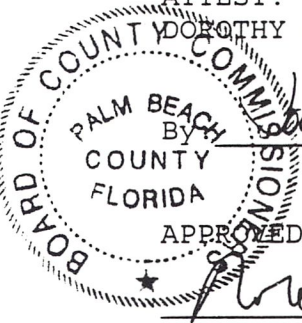
110 ATTEST:

111 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

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Deputy Clerk

By

Aldie Greene
FOR Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

Filed with the Department of State on the 24 day of
December, 2002

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EXHIBIT 1

A. Transportation Element, CRALLS Clarification

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

1. **REVISED Policy 1.2-f:** The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. A County amendment to consider a CRALLS designation will rely upon, as appropriate, the data and analysis provided by the local government requesting the CRALLS designation. Mitigation measures shall be required for any new CRALLS designation adopted after 2001, pursuant to Policy 1.2-q... *(unchanged text omitted for brevity).*
2. **REVISED Policy 1.2-f.20** PGA Boulevard, from the Ronald Reagan Turnpike to Prosperity Farms Road, and the intersection of PGA Boulevard and Military Trail are hereby designated as Constrained Roadways at Lower Level of Service (CRALLS) facilities exclusively for the purpose of concurrency for properties which were the subject of a forbearance agreement with the City of Palm Beach Gardens dated April 15, 1999 and are developing at densities and/or intensities no greater than those provided for in that forbearance agreement. All concurrency certificates issued by Palm Beach County utilizing this CRALLS shall be conditioned to require that: 1) prior to any development order for any project seeking to utilize this CRALLS, the funds for design, acquisition, and construction of all roads in the City Center Linkages Plan associated with the project, shall irrevocably be pledged to ensure construction is commenced as required by the County Engineer; ~~and~~ 2) the City of Palm Beach Gardens development order approvals ensure that all those elements of the City Center Linkages Plan, as approved by the City of Palm Beach Gardens, which are associated with a particular project, are constructed prior to issuance of any certificate of occupancy within that project; and 3) for projects utilizing the CRALLS on the segments between Military Trail and Alternate A1A: a) the issuance of building permits shall be phased to the issuance of a final order by the Florida Department of Transportation relating to the Kyoto Gardens Drive railroad crossing for which no timely appeal is filed by FEC; b) once the condition set forth in subsection (a) has been satisfied, projects may be issued building permits without limitation within eighteen (18) months from the issuance of the final order by FDOT, provided, however, that the County Engineer may grant one six (6) month extension; and c) upon expiration of the eighteen (18) month period set forth in subsection (b), or any extension thereof, additional building permits beyond the phased level set forth in subsection (a) may not be issued until the commencement of construction of Kyoto Gardens Drive and the associated railroad crossing.
- a) PGA Boulevard from Ronald Reagan Turnpike to Central Boulevard
- | | |
|-------------------------------------|-------------------------|
| Daily Level of Service Standard | 51,177 vehicles per day |
| Peak Hour Level of Service Standard | 4,759 vehicles per hour |
| Test 2 Volume | 53,000 vehicles per day |
- b) PGA Boulevard from Central Boulevard to Military Trail
- | | |
|-------------------------------------|-------------------------|
| Daily Level of Service Standard | 50,738 vehicles per day |
| Peak Hour Level of Service Standard | 4,719 vehicles per hour |
- c) PGA Boulevard from Military Trail to I-95
- | | |
|-------------------------------------|-------------------------|
| Daily Level of Service Standard | 50,780 vehicles per day |
| Peak Hour Level of Service Standard | 5,513 vehicles per hour |
- d) PGA Boulevard from I-95 to RCA Boulevard
- | | |
|-------------------------------------|-------------------------|
| Daily Level of Service Standard | 67,674 vehicles per day |
| Peak Hour Level of Service Standard | 7,084 vehicles per hour |
| Test 2 Volume | 68,000 vehicles per day |
- e) PGA Boulevard from RCA Boulevard to Alternate A1A
- | | |
|-------------------------------------|-------------------------|
| Daily Level of Service Standard | 68,055 vehicles per day |
| Peak Hour Level of Service Standard | 7,120 vehicles per hour |
| Test 2 Volume | 60,000 vehicles per day |
- f) PGA Boulevard from Alternate A1A to Fairchild Gardens Avenue

Daily Level of Service Standard	59,636 vehicles per day
Peak Hour Level of Service Standard	5,825 vehicles per hour

- g) PGA Boulevard from Fairchild Gardens Avenue to Prosperity Farms Road
- | | |
|-------------------------------------|-------------------------|
| Daily Level of Service Standard | 54,283 vehicles per day |
| Peak Hour Level of Service Standard | 5,327 vehicles per hour |

- h) Intersection of PGA Boulevard and Military Trail Critical Volume of 1,800

The CRALLS designation on the above will be revisited if the City of Palm Beach Gardens: 1) fails to adopt the City Center Linkages Plan dated November 1999 into the City's Comprehensive Plan by April 30, 2001 or 2) fails to provide the County's Planning Director a report by March 1st of each year beginning in year 2002 showing that concurrent with the development approvals, the City: a) is requiring the construction of the City Center Linkages Plan dated November 1999; b) has completed an evaluation of the feasibility of a fixed-route bus transit service to circulate within the City Center; c) has completed the construction of the Hood Road extension from Alternate A1A to Prosperity Farms Road by the year 2003; and d) has commenced construction to widen Burns Road to four lanes from Military Trail to Prosperity Farms Road.

- i) The level of service standards for PGA Boulevard between Prosperity Farms Road and United States Highway 1 will be:
- (1) Test One - 50,200 trips on an ADT basis and 4,830 trips on a peak hour basis;
 - (2) Alternate Test One - 2,990 trips on a peak hour peak direction basis, and an intersection critical volume of 1,500;
 - (3) Test Two - 56,700 trips on an ADT basis.

STATE OF FLORIDA, COUNTY OF PALM BEACH
 I, DOROTHY H. WILKEN, ex-officio Clerk of the
 Board of County Commissioners certify this to be a
 true and correct copy of the original filed in my office
 on December 18, 2002.
 DATED at West Palm Beach, FL on 1/23/03.
 DOROTHY H. WILKEN, Clerk
 By: Wiene Brown D.C.